

Ex. A

"DOCUMENTS NEEDED" (from Relator's Ex. 1 to the July 28, 2021 hearing)	"MISSING" Documents (from Relator's Ex. 1 to the July 28, 2021 hearing)	Information on how to locate allegedly missing documents in the production.
CONTRACT		
1. Plan contracts between SilverScript and Caremark (2010-2016)	Contracts in effect in 2010 and 2011	The plan contracts between SilverScript and Caremark in effect in 2010 and 2011 were produced within the following bates ranges: CVS-BEHNKE-0002683 through CVS-BEHNKE-0002814; CVS-BEHNKE-1081158 through CVS-BEHNKE-1081184; and CVS-BEHNKE-1081190 through CVS-BEHNKE-1081219.
2. Plan contracts between Aetna and Caremark (2011-2015)	Complete	Relator's Exhibit 1 to the July 28, 2021 discovery hearing does not identify any documents to be allegedly "missing" in connection with this item, and therefore no response is required.
3. Pharmacy contracts between Caremark and CVS Pharmacy (2010-2016)	ALL contracts in effect 2010-2016	The provider agreement between Caremark and CVS Pharmacy in effect in 2010 was produced within the following bates ranges: CVS-BEHNKE-0000966 through CVS-BEHNKE-0000978.
4. Pharmacy contracts between Caremark and WAG (2010-2016)	Contract in effect in 2010	The provider agreement between Caremark and Walgreen Co. in effect in 2010 was produced within the following bates range: CVS-BEHNKE-0001187 through CVS-BEHNKE-0001212.

5. Pharmacy contracts between Caremark and RAD (2010-2016)	Contract in effect in 2010	The provider agreement between Caremark and Rite-Aid in effect in 2010 was produced within the following bates range: CVS-BEHNKE-0001049 through CVS-BEHNKE-0001061.
PDE SUBMISSIONS		
6. Annual PDE submissions to CMS for drugs provided to Silverscript Medicare Part D Plan beneficiaries (2010-2016)	Still under review	Relator's Exhibit 1 to the July 28, 2021 discovery hearing does not identify any documents to be allegedly "missing" in connection with this item, and therefore no response is required. We note, however, that SiverScript PDE records were produced within the following Bates Range: CVS-BEHNKE-1827847 through CVS-BEHNKE-1827850.
7. Annual PDE submissions to CMS for drugs provided to Aetna Medicare Part D Plan beneficiaries (2011-2015)	Still under review	Relator's Exhibit 1 to the July 28, 2021 discovery hearing does not identify any documents to be allegedly "missing" in connection with this item, and therefore no response is required. We note, however, that Caremark did not submit PDEs for Aetna for relevant time period, and Relator was aware that Caremark would not produce them. See Letter from J. Clairmont dated April 8, 2021 ("For Aetna, Caremark will produce the claims data for the entire time period, but you do not have the actual PDE data for Aetna.")
SUMMARY DIRECT AND INDIRECT		

8. Annual Summary DIR Reports submitted by Silverscript to CMS (2010-2016)	ALL Summary DIR Reports	Annual summary DIR reports provided by Caremark to SilverScript for 2010-2016 were produced within the following Bates Range: CVS-BEHNKE-1817843 through CVS-BEHNKE-1817883.
9. Annual Summary DIR Reports submitted by Aetna to CMS (2011-2015)	Summary DIR Reports for 2011 and 2012	Annual summary DIR Reports submitted by Aetna to CMS for 2011-2014 were produced within the following Bates Range CVS-BEHNKE-1817886 through CVS-BEHNKE-1818500.
BIDS AND RELATED DOCUMENTS		
10. Annual Bids submitted by SilverScript to CMS for each individual Part D Plan (and bid substantiation materials) (2010-2016)	<p>Sill need the bids and accompanying bid substantiation documents for the following Part D Plans for the listed years:</p> <p>S5580: need 2016 (3 plans) S5644: need 2010 (63 plans) S5678: need 2012 (66 plans) S5803: need 2011 (68 Plans) and 2012 (70 Plans) S5825: need 2011 (2 Plans)</p>	The documents identified as "missing" have not been produced. These documents relate to Part D Plans that were acquired by SilverScript, and years associated with those plans for which documents are identified as "missing" are years prior to when the plans in question were consolidated into SilverScript.
11. Annual Bids submitted by Aetna to CMS for each individual Part D Plan (and bid substantiation materials) (contract years 2011-2014)	Still need a complete and final set of all bids and substantiation documents for contract years 2011-2014	The documents identified as "missing" have not been produced. Bid and bid substantiation documents for Aetna are maintained by Aetna, not Caremark. Aetna expects to produce these materials for 2011-2014 by August 25, 2021.
POINT OF SALE (POS) PRICING INFORMATION		

12.		It is unclear what document(s) (if any) Relator contends to be missing. "POS prices paid by Caremark to pharmacies" is not a document. We note that data regarding point-of-sale adjudication of pharmacy claims for Aetna beneficiaries were produced at CVS-BEHNKE-1827855, and data regarding point-of-sale adjudication of pharmacy claims for SSIC beneficiaries were produced at CVS-BEHNKE-1827856 through CVS-BEHNKE-1827859. Such data includes, <i>inter alia</i> , data fields regarding pharmacy reimbursement.
Prices paid by Caremark to pharmacies at POS	Still need POS prices paid by Caremark to pharmacies	
CMS-GENERATED RECONCILIATIONS		
13.		It is unclear what document(s) (if any) Relator contends to be missing, given that Relator states only that she "still need[s] a complete set." Relator did not seek such reconciliations from SSIC in their subpoena to SSIC. Relator sought such documents from Caremark in Request No. 55, to which Caremark objected as seeking documents outside Caremark's custody and control, and further responded that, after reasonable inquiry, Caremark did not believe that it possessed responsive documents.
CMS Year-end reconciliations with SilverScript (2010-2016)	Still need a complete set	

14.		It is unclear what document(s) (if any) Relator contends to be missing, given that Relator states only that she "still need[s] a complete set." Relator did not seek such reconciliations from Aetna in their subpoena to Aetna. Relator sought such documents from Caremark in Request No. 55, to which Caremark objected as seeking documents outside Caremark's custody and control, and further responded that, after reasonable inquiry, Caremark did not believe that it possessed responsive documents.
CMS Year-end reconciliations with Aetna (2011-2015)	Still need a complete set	
PHARMACY RECONCILIATIONS		
15.		The document identified as "missing" has not been produced. As we informed Relator during the meet-and-confer process, we do not believe any reconciliation with Rite-Aid ever existed for 2010.
Annual Caremark reconciliations with Rite-Aid (2010-2016)	2010	
16.		As we informed Relator during the meet-and-confer process, to the extent "annual reconciliation 'look-alikes' with CVS Pharmacy" may have existed, they are contained in Caremark's production of files from the Industry Analytics Share Drive. As previously stated in our letter to the Court dated June 29, 2021, CVS-related documents from the Industry Analytics Share Drive were produced within the following Bates Ranges: CVS-BEHNKE-1813533 through 1814149, CVS-BEHNKE-1814657 through 1814666, and CVS-BEHNKE-1814695 through 1814703.
Annual reconciliation "look-alikes" with CVS Pharmacy	Missing 2010-2012, 2013-2016	

17.		The document identified as "allegedly missing" has not been produced. As we informed Relator during the meet-and-confer process, we do not believe any reconciliation with Walgreens ever existed for Q1/Q2 2010.
Annual Caremark reconciliations with Walgreens (2010-2016)	2010 (only produced a 3Q and 4Q 2010 reconciliation, not a Full Year reconciliation)	
COMMERCIAL CLAIMS DATA		
18.		Relator's Exhibit 1 to the July 28, 2021 discovery hearing does not identify any documents to be allegedly "missing" in connection with this item, and therefore no response is required. Furthermore, we note that in the Court's order dated July 28, 2021, the Court denied Relator's request to compel production of commercial claims data.
Commercial claims data		
CVS PHARMACY		
19.		Relator's Exhibit 1 to the July 28, 2021 discovery hearing does not identify any documents to be allegedly "missing" in connection with this item, and therefore no response is required. Furthermore, to the extent Relator claims to have requested "CVS financial data," that phrase is too broad and ambiguous to permit any specific response by Caremark.
CVS financial info		